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Letter dated 5 November 2004 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General

I have the honour to write to you in reference to the letter of 20 October 2004 from the Permanent Representative of Bolivia to the United Nations addressed to you (A/59/445), containing some erroneous statements with regard to the Treaty of Peace, Friendship and Commerce between Chile and Bolivia, signed on 20 October 1904, which remains fully in force.

In this connection, on behalf of the Government of Chile, I feel compelled to reiterate once again that the Treaty of Peace, Friendship and Commerce between the two countries was freely considered, negotiated and concluded. It reflects the substantive initiatives and proposals of the Bolivian Government, as set out in documents that are beyond question.

The 1904 Treaty of Peace, Friendship and Commerce was adopted by large majorities in the Congresses of both Chile and Bolivia during a time of constitutional normalcy and economic progress in the two countries. All its provisions are fully complied with; they have constituted the framework for relations of neighbourliness and given rise to permanent mechanisms for consultation and bilateral cooperation in the most diverse spheres.

Indeed, this Treaty guarantees, inter alia, a legal framework which our countries have freely accepted and fully applied in practice, and a free-transit regime that give Bolivia access to and from the sea in all circumstances. My country honours and will continue to honour this regime and ensure thorough compliance with it at all times.

Free transit is an irrefutable practical reality, a tangible and everyday phenomenon; under this regime, goods and vehicles, trucks and trains make their way, under all circumstances and at all times, to and from the ports of Arica and Antofagasta, and an oil pipeline extends to them. Under the agreements in force, Bolivian customs agents carry out their duties without incident and without impediments of any kind. The process of crossing the Chilean-Bolivian border is expeditious and efficient and has already been singled out by impartial sources as a useful and constructive model for crossing other borders in the region.

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In this context, it is important to reiterate my country's firm and unwavering commitment to observing and implementing the international treaties in force, in accordance with the provisions agreed upon.

The Treaty of Peace, Friendship and Commerce is part of a larger diplomatic and political process conceived by our ancestors as a path to progress and a vision for the future. Both Governments have been able to translate it into tangible actions for the advancement of their peoples. It can contribute to achieving these objectives as an instrument that enjoys stability and guarantees under international law.

In exercise of its legitimate rights and development policies, my country has implemented port service mechanisms and procedures with the participation of the private sector, in keeping with the degree of efficiency and security which the international community expects of a country that is an established exporter and is widely recognized for its transparency and reliability, benefits which also extend to the handling of Bolivian cargo. These principles govern both the public sector and all private operators subject to the same legal framework consisting of international treaties, laws and contracts.

On behalf of my country, I wish to point out that the request in the Bolivian letter to have this issue considered at the fifty-ninth session of the General Assembly under agenda item 49 on "Oceans and the Law of the Sea" is not consistent with this Organization's programme of work and is not among the issues that are supposed to be considered under this item.

(*Signed*) Heraldo **Muñoz**
Ambassador
Permanent Representative of Chile to the United Nations